

8 February 2018

NORTH LANARKSHIRE COUNCIL PENALISED BY THE SCOTTISH ROAD WORKS COMMISSIONER

On 4 January 2018, the Scottish Road Works Commissioner issued a penalty of £5,500 to North Lanarkshire Council following failure to comply with road works legislation in Scotland.

The penalty was issued to North Lanarkshire Council with respect to failing in their duties under Section 118 of the New Roads and Street Works Act 1991. A failure to follow the current safety procedures resulted in endangering road workers and the general public. The Council also failed to comply with the Code of Practice for the Co-ordination of Works in Roads¹ and were working without valid notification on the Scottish Road Works Register.

The Commissioner has statutory powers to issue financial penalties up to a maximum £50,000 where a utility company, or a roads authority, demonstrates failure to comply with their statutory duties.

Angus Carmichael, Scottish Road Works Commissioner said:

“The performance of North Lanarkshire Council has been monitored as part of my on-going review scheme. In general, the performance of North Lanarkshire Council has appeared satisfactory, however, recent events have revealed significant failures in terms of safety and co-ordination. Road works carried out on behalf of the authority, by contractors, resulted in endangering road workers and the general public. These works were not recorded on the Scottish Road Works Register and appropriate traffic management was not in place.”

“My organisation has met with North Lanarkshire Council to review their performance and current practice with respect to road works legislation. North Lanarkshire Council were proactive in investigating and providing information on their proposed corrective action. Having reviewed the information provided, I concluded that the organisation has failed to meet its statutory duty to co-ordinate under Section 118 of the New Roads and Street Works Act 1991. In view of their clear performance failures, I was left with no option other than to apply a financial penalty.”

“As the failures are of a very serious nature, compromising both safety of those working for the roads authority and the public, I have decided to impose a penalty of £5,500 to send a clear message to all organisations undertaking road works that poor performance is unacceptable and that all legislation must be followed.

“North Lanarkshire Council has confirmed that they are committed to improving their performance and complying with legislation. All organisations working in the road, private and public, should review their practices to ensure they are complying with all legislation.”

¹ <http://www.roadworks.scot/LegislationGuidance/CodesofPractice.aspx>

NOTES FOR NEWS EDITORS

Angus Carmichael took up the post of Scottish Road Works Commissioner in September 2015 and has over 40 years experience in this sector.

The post of Commissioner was established under the Transport (Scotland) Act 2005 to improve the planning, co-ordination and quality of road works throughout Scotland. The Commissioner monitors performance and promotes good practice across both utility companies and roads authorities (Councils for local roads and Transport Scotland for the trunk road network).

Contact:

Office of the Scottish Road Works Commissioner

Tel: 0131 244 9936

Email: enquiries@srwc.gsi.gov.uk